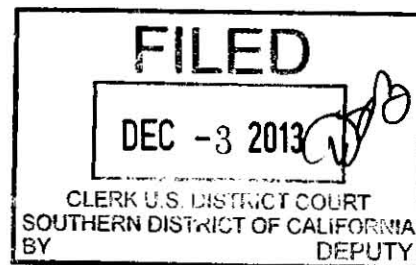


Gino D. Serpe, SBN 160238
gino@serpelawfirm.com
The Law Office of Gino D. Serpe
600 West Broadway, Suite 700
San Diego, CA 92101
Telephone: 619-702-2907

Andrew Y. Piatnicia, SBN 174691
andy@piatnicialegal.com
Piatnicia Legal
5339 Prospect Rd., No. 194
San Jose, CA 95129
Telephone: 408-641-1747

Attorneys for Plaintiff ASUS
Computer Int'l. and Counterclaim
Defendant ASUSTeK Computer Inc.



ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ASUS COMPUTER
INTERNATIONAL,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

IN RE SUBPOENA ISSUED IN:

ASUS COMPUTER
INTERNATIONAL,

Plaintiff,

v.

ROUND ROCK RESEARCH, LLC,

Defendants.

AND RELATED
COUNTERCLAIMS

Case No. **'13 CV 2859 GPC NLS**

[Related to Action Currently Pending in
the Northern District of California Case
No. 3:12-cv-02099-JST]

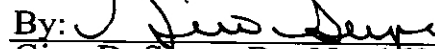
**ASUS COMPUTER
INTERNATIONAL'S AND
ASUSTEK COMPUTER INC.'S
NOTICE OF MOTION IN SUPPORT
OF MOTION TO COMPEL
DOCUMENTS AND TESTIMONY
FROM MICRON TECHNOLOGY,
INC.**

To All Parties and their Attorneys of record:

NOTICE IS HEREBY GIVEN that as soon as this matter may be heard before the United States District Court for the Southern District of California, Plaintiff and Counterclaim Defendant ASUS Computer International and Counterclaim Defendant ASUSTeK Computer Inc. (collectively, "ASUS") hereby give notice that, by and through their attorneys, pursuant to Federal Rules of Civil Procedure 30, 34, and 45, will and hereby do move for an order compelling Micron Technology Inc. to provide a more complete production of subpoenaed materials and to supplement its deficient document responses within 14 calendar days of the date of any order resulting from this motion and thereafter make available a corporate witness for deposition. The subpoena was issued and served in this district. This motion is based on this notice of motion, the memorandum of points and authorities, the declaration of Gino D. Serpe, all pleadings and papers on file herein, and any oral argument before the Court, and upon such other matters as may be presented to the court at the time of hearing.

DATED: November 29, 2013

LAW OFFICE OF GINO D. SERPE

By: 
 Gino D. Serpe, Bar No. 160238
 Gino@serpelawfirm.com
 The Law Office of Gino D. Serpe
 501 West Broadway, Suite 800
 San Diego, CA 92101
 Telephone: 619-702-2907
 Facsimile: 619-702-2908

Attorney for Plaintiff
 ASUS COMPUTER
 INTERNATIONAL and Counterclaim
 Defendant ASUSTEK COMPUTER
 INC.

PROOF OF SERVICE

I, Gino D. Serpe, declare:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 600 West Broadway, Suite 700, San Diego, California 92101. On November 29, 2013, I served a copy of the within document(s):

ASUS COMPUTER INTERNATIONAL'S AND ASUSTEK COMPUTER INC.'S NOTICE OF MOTION IN SUPPORT OF MOTION TO COMPEL DOCUMENTS AND TESTIMONY FROM MICRON TECHNOLOGY, INC.

by transmitting via e-mail or electronic transmission and U.S. Mail the document(s) above to the person(s) at the e-mail address(es) and addresses set forth below.

Andrew Grant Hamill Email: ahamill@bchllp.com Bradford John Black Email: bblack@bchllp.com Peter H. Chang Email: pchang@bchllp.com Black Chang & Hamill LLP 4 Embarcadero Center Suite 1400 San Francisco, CA 94111 415-813-6210 Fax: 415-813-6222	Attorneys for Round Rock Research, LLC
---	---

Jonas R. McDavit

Email:

jmcdavit@desmaraisllp.com

Lauren M. Nowierski

Email:

lnowierski@desmaraisllp.com

Paul A. Bondor

Email:

pbondor@desmaraisllp.com

roundrockpcassertionservice@desmaraisllp.com

Desmarais LLP

230 Park Avenue

New York, NY 10169

212-351-3400

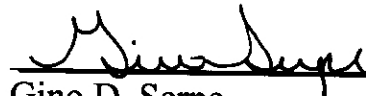
Fax: 212-351-3401

Attorneys for

Round Rock Research, LLC

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 29, 2013, at San Diego, California.


Gino D. Serpe

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ASUS COMPUTER INTERNATIONAL, and ASUSTek Computer, Inc.

DEFENDANTS

Micron Technology, Inc.

(b) County of Residence of First Listed Plaintiff Alameda, California
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant 2009a, Idaho
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND COVERED BY DISTRICT COURT

Attorneys (If Known) Desmarais, LLP
230 Park Avenue
New York, New York 10169

(c) Attorneys (Firm Name, Address, and Telephone Number)

Gino D. Serpe
600 West Broadway, Suite 700
San Diego, CA 92101

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Patent Infringement - 35 USC 101, et. seq.; 35:145

Brief description of cause:

Patent infringement involving five patents. Motion to Compel Production of Third Party Subpoena.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Jon S. Tigar (Northern District of CA)

DOCKET NUMBER 3:12-cv-02099

DATE
11/29/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

57495 \$400 -
AB 11/29/13

DUPLICATE

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS057495
Cashier ID: mbain
Transaction Date: 11/29/2013
Payer Name: GINO SERPE

CIVIL FILING FEE
For: ASUS COMPUTER V MICRON TECH
Case/Party: D-CAS-3-13-CV-002859-001
Amount: \$400.00

CREDIT CARD
Amt Tendered: \$400.00

Total Due: \$400.00
Total Tendered: \$400.00
Change Amt: \$0.00

There will be a fee of \$53.00
charged for any returned check.